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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/935,911	08/23/2001	Robert Lee Mueller	10013088-1	1563

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HEWLETT-PACKARD COMPANY
Intellectual Property Administration
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EXAMINER

WATKO, JULIE ANNE

ART UNIT	PAPER NUMBER
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2652

DATE MAILED: 04/26/2004

10

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/935,911

Applicant(s)

MUELLER ET AL.

Examiner

Julie Anne Watko

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 16-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 16-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on February 10, 2004, has been entered.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claim 31 is rejected under 35 U.S.C. 102(b) as being anticipated by Ryan et al (US Pat. No. 5587877).

It is noted by the Examiner that the preamble apparatus recitations do not limit the claimed method except insofar as the steps involve user interaction with the apparatus.

As recited in claim 31, Ryan et al show a method for accessing a plurality of data media in a data storage system, the method comprising: unlocking (“locked in place with a security key”, see col. 4, lines 48-49) a means (including 12) for covering (see Fig. 1, which shows a locked and covered state) a plurality of openings 41 in the data storage system, each of the

openings providing access to one of the media storage devices 23; and providing a single point of entry (see Fig. 2, which shows an unlocked and uncovered state) to the plurality of openings 41 in the data storage system.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 16-20, 23-26 and 29-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ryan (US Pat. No. 5587877) in view of Nicol et al (US Pat. No. 5429470).

As recited in claim 16, Ryan shows a data storage system (see Fig. 2, for example) comprising: a plurality of media storage devices 23 for storing a plurality of data media; a data exchange device 22 for exchanging data stored on the plurality of data media; a bulk access apparatus 12 configured to cover a plurality of openings 41 in the data storage system, each of the openings providing access to one of the media storage devices 23; and a locking mechanism

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("locked in place with a security key", see col. 4, lines 48-50) configured to provide a first state in which the bulk access apparatus is securely attached to the data storage system (see Fig. 1) and in which access to the plurality of openings is restricted, and a second state (see Fig. 2) in which the bulk access apparatus is not locked to the data storage system and access to the plurality of openings is provided.

As recited in claim 23, Ryan shows a data storage system (see Fig. 2) comprising: a housing (including 18) having a plurality of openings 41, each of the openings providing access to one of a plurality of media storage devices 23, each media storage device operable to receive a plurality of data media; a data exchange device 22 for exchanging data stored on the plurality of data media; and a bulk access apparatus for providing a single point of entry to each of the plurality of openings.

As recited in claims 16 and 23, Ryan is silent regarding a media handling system for transferring the plurality of data media between the plurality of media storage devices and the data exchange device.

As recited in claims 16 and 23, Nicol et al show a media handling system (gripper 19) for transferring the plurality of data media between a plurality of media storage devices and a data exchange device.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to add the media handling system of Nicol et al to the data storage system of Ryan as taught by Nicol et al. The rationale is as follows: one of ordinary skill in the art would have been motivated to add the media handling system in order to achieve expedience as taught by Nicol et al ("it is expedient", see col. 1, lines 22-33).

Regarding claim 24: See teaching above for claim 16.

As recited in claims 17 and 29, Ryan shows that the bulk access apparatus comprises a hinged door 12 that is attached to the data storage system.

As recited in claims 18 and 30, Ryan shows that the bulk access apparatus comprises a removable panel 12 (inherently removable).

As recited in claims 19 and 25, Ryan shows that the locking mechanism comprises a key lock ("locked in place with a security key", see col. 4, lines 48-50).

As recited in claims 20 and 26, Ryan shows that the key lock is attached to the bulk access apparatus and a key latch is attached to the data storage system ("positioned at the discretion of the manufacturer", see col. 4, lines 48-50).

7. Claims 21-22 and 27-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ryan (US Pat. No. 5587877) in view of Nicol et al (US Pat. No. 5429470 as applied to claims 16-20, 23-26 and 29-30 above, and further in view of Younglove (US Pat. No. 5059772) and Gockebay et al (US Pat. No. 6000609).

Ryan shows a data storage system as described above for claims 16-20, 23-26 and 29-30.

As recited in claims 21 and 27, Ryan is silent regarding whether the locking mechanism further comprises a solenoid lock.

As recited in claims 21 and 27, Younglove shows a solenoid lock ("door lock solenoid", see col. 6, lines 53-57). Moreover, Gockebay et al teach the addition of a solenoid lock to a key lock (see col. 2, line 52-col. 3, line 31; see especially col. 3, lines 20-22, "Relying on the mechanical configuration of the key in addition to the electronic criteria is desirable because this

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offers additional security.”; see especially col. 3, line 6, “solenoids”; see especially col. 2, line 54, “regulate the date, day and time of access”).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to add the solenoid lock of Younglove to the data storage system of Ryan as taught by Gockebay et al. The rationale is as follows: one of ordinary skill in the art would have been motivated to provide additional security, and to regulate date, day and time of access as taught by Gockebay et al.

As recited in claims 22 and 28, Younglove shows that the locking mechanism is attached to the data storage system and a solenoid latch is attached to the bulk access apparatus (“cabinet top wall 36 is also provided with a door lock solenoid 82. When the door 26 is not to be opened, a plunger of the door lock solenoid 82 engages a corresponding bore 84 in the door 26.”).

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kersey et al (US Pat. No. 5870245) shows a data storage and retrieval system (see especially Figs. 4a-c), and teaches that “It is also desirable to provide system flexibility which allows the use of drive, media, and combination drive/media modules, and which allows easy interchangeability of the modules to adapt to changing host system requirements” (see col. 1, lines 58-62).

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julie Anne Watko whose telephone number is (703) 305-7742. The examiner can normally be reached on Sat & Mon until 9PM, Wed & Fri until 5PM.

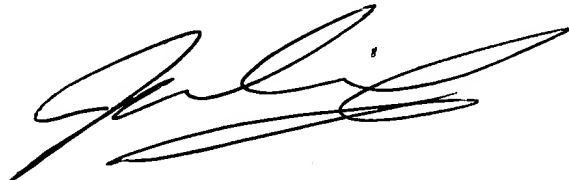
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hoa T. Nguyen can be reached on (703) 305-9687. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Julie Anne Watko
Primary Examiner
Art Unit 2652

April 23, 2004
JAW

A handwritten signature in black ink, appearing to read 'Julie Anne Watko', with a stylized, cursive script.